

Applic. No. 10/630,453  
Amdt. dated September 8, 2005  
Reply to Office action of June 20, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

The inventor respectfully requests reconsideration of the application. Claims 1-8 and 10-22 are now in the case. Claims 1, 3, 4, 6, 11, 16, 17, and 18 have been amended. Claims 1-3 have been withdrawn from consideration. Claim 9 is being cancelled herewith. Claims 21 and 22 have been added to the application.

The inventor appreciates and gratefully acknowledges the Examiner's courtesy in extending a telephone interview to the inventor's agent on June 16, 2005. The purpose of the interview was to accept the changes in the claims proposed by the Examiner in a facsimile message dated June 14, 2005. By the time of the interview, however, the opportunity for the changes to be made by Examiner's amendment was no longer available.

Accordingly, the claim language of the present amendment is substantially that proposed by the Examiner and accepted at the interview.

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Claims 11 and 18 have been objected to as not in proper dependent form. The claims have been amended as suggested by the Examiner to overcome the objection.

35 USC 112 - Office Action pages 2-3

Claims 4-8 and 10-20 have been rejected under the second paragraph of 35 USC 112, because "0.01-5% by weight, as chlorine dioxide, of a source of chlorine dioxide" is considered confusing. The independent claims have been amended as proposed by the Examiner to overcome the rejection. Therefore, the rejection is believed to have been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

Claims 4-8 and 10-20 are believed to be drawn to patentable subject matter and in order for prompt allowance. Moreover,

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claims 1-3 are believed to be in order for rejoinder and prompt allowance as well. Accordingly, prompt allowance of claims 1-8 and 10-20 is respectfully solicited.

Since only allowable claims remain, the early issuance of a Notice of Allowance is solicited herewith.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Enclosed herewith is the fee for one additional dependent claim in the amount of \$50.00.

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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Robert M.  
Schwartz, P.A. No. 19-0734.

Respectfully submitted,



For Applicant(s)

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RMS:cgm

September 8, 2005

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